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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 23, 1998

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC980016

Ex parte, in re: Promulgation  
of rules and forms pursuant to  
§ 13.1-523 of the Code of  
Virginia (Securities Act)

ORDER AMENDING 21 VAC 5-85-10 AND ADOPTING FORMS

On or about March 10, 1998, the Commission's Division of Securities and Retail Franchising ("Division") received notice from the National Association of Securities Dealers, Inc. ("NASD") that the Securities and Exchange Commission recently adopted revised Form BD, Uniform Application for Broker-Dealer Registration. The notice further advised that after the revised Form becomes effective on March 16, 1998, the "old" (i.e., current) Form BD will no longer be accepted for processing by the NASAA/NASD Central Registration Depository ("CRD") system maintained and operated by the NASD. Form BD has been in use for many years as the uniform application form accepted by this Commission and all other United States securities regulatory jurisdictions for the registration of broker-dealers.

Since July 1981 this Commission has continuously utilized the CRD system for processing renewal applications for

registration of broker-dealers, as well as updates and amendments to broker-dealer applications, filed under the Virginia Securities Act. In order to continue to utilize the CRD system and to avoid undue disruption of the broker-dealer registration process in Virginia, revised Form BD must be adopted and accepted for use by the Commission as soon as possible. It is, therefore,

ORDERED:

(1) With respect to applications for broker-dealer registration filed with the Division by NASD members, and with respect to renewal applications for broker-dealer registration as well as updates and amendments to broker-dealer applications filed pursuant to the Securities Act on the CRD system, revised Form BD (2/98) is adopted and shall become effective upon entry of this Order. A copy of revised Form BD is attached to and made a part of this Order.

(2) With respect to all applications for broker-dealer registration, including renewals, updates and amendments to such applications, filed with the Division by non-NASD members, an applicant or registrant, as the case may be, shall be permitted to file with the Commission either the current Form BD or the revised Form BD through June 30, 1998, after which date only the revised Form BD shall be accepted by the Commission. Form BD (5/94) is repealed as of July 1, 1998.

(3) The Commission's Securities Act Rule 21 VAC 5-85-10 (Chapter 85, Forms) is amended to conform to the provisions of

this Order. A copy of this Rule as hereby amended is attached to and made a part of this Order.

(4) This matter is dismissed from the Commission's docket and the papers herein be placed in the file for ended causes.

## **CHAPTER 85**

### **Forms**

#### **21 VAC 5-85-10. Adopted securities forms.**

The Commission adopts for use under the Act the forms contained in the Appendix (not included in Virginia Administrative Code) and listed below.

#### **Broker-Dealer and Agent Forms**

Form BD-Uniform Application for ~~Registration of a~~ Broker-Dealer  
(~~5/94~~) Registration (2/98).

Form S.A.1-Supplemental Information for Commonwealth of Virginia to be furnished with Form BD (7/97).

Agreement for Inspection of Records.

Form S.A.11-Broker-Dealer's Surety Bond (rev. 1982).

Form S.A.2-Application for Renewal of a Broker-Dealer's Registration (rev. 11/96).

Form S.D.4-Application for Renewal of Registration as an Agent of an Issuer (1997).

Form S.D.4.A-Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (1974).

Form S.D.4.B-Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (1974).

Form S.D.4.C-Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (1974).

Form BDW-Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer.

Rev. Form U-4-Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5-Uniform Termination Notice for Securities Industry Registration (11/97).

#### **Investment Advisor and Investment Advisor Representative Forms**

Form ADV-Uniform Application for Registration of Investment Advisors (rev. 7/97).

Agreement for Inspection of Records.

Surety Bond Form.

Rev. Form U-4-Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5-Uniform Termination Notice for Securities Industry Registration (11/97).

Form S.A.3-Affidavit for Waiver of Examination (rev. 11/96).

Form S.A.14-Consent to Service of Process for Notice Filing as a Federal Covered Advisor (7/97).

### **Securities Registration Forms**

Form U-1-Uniform Application to Register Securities.

Form U-2-Uniform Consent to Service of Process.

Form U-2a-Uniform Form of Corporate Resolution.

Form S.A.4-Registration by Notification-Original Issue (rev. 11/96).

Form S.A.5-Registration by Notification-Non-Issuer Distribution (rev. 11/96).

Form S.A.6-Registration by Notification-Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (1989).

Form S.A.8-Registration by Qualification.

Form S.A.10-Request for Refund Affidavit (Unit Investment Trust).

Form S.A.12-Escrow Agreement.

Form S.A.13-Impounding Agreement.

Form VA-1 Parts 1 and 2-Notice of Limited Offering of Securities (rev. 11/96).

Form NF-Uniform Investment Company Notice Filing.